

EXHIBIT 2



United States
Department of
Agriculture

Forest
Service

Wilderness Ranger District

Highway 35
Mimbres, NM 88049
Phone: 575-536-2250
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File Code: 1950

Date: November 17, 2022

Dear Interested Party:

The Wilderness Ranger District of the Gila National Forest is proposing to conduct feral cattle removal from the Gila Wilderness to address the presence of unbranded and unauthorized cattle. This scoping notice and proposal is intended to cover any ongoing live gather and removal efforts, as well as any lethal removal efforts through either aerial shooting from a helicopter or shooting on the ground. The proposed activity will take place within the general area bounded by the confluence of the Gila River and Turkey Creek, upstream along the Gila River to Alum Mountain, west to Miller Spring Cabin, and continuing west down the Turkey Creek drainage to the confluence with the Gila River (see attached map).

Since the mid-1970s the Gila National Forest (Forest) has dealt with continuous issues caused by unauthorized cattle in the Gila Wilderness. The issue started when a permittee declared bankruptcy and abandoned his cattle on the Redstone Allotment within the wilderness. In the 1990s, the Forest issued a new term grazing permit for that allotment to another permittee in an attempt to manage the livestock grazing and remove unbranded and unauthorized cattle.

Following several years of unsuccessful attempts to remove unauthorized cattle, the situation had not improved and many cattle remained unconfined, roaming freely without authorization in the wilderness beyond the boundaries of the original Redstone Allotment. Subsequently, the term grazing permit was canceled. From 1996 to 1998, the permittee removed 480 cattle. From 1998 to the present, the Forest has issued nine gather contracts that resulted in the removal of an additional 211 cattle. In February 2022, Animal and Plant Health Inspection Service Wildlife Services (APHIS) conducted an aerial operation where 65 cattle were aurally euthanized. Since 1996, 756 cattle have been removed (alive or euthanized) from the Gila Wilderness. Forest Service records indicate only one cow removed during that entire time was branded (captured in 1998), while the remaining 755 cattle did not have a brand, ear tag, or other ownership identification.

The remote location and rugged topography of the Gila Wilderness combined with the wild nature of the cattle have resulted in mixed success during past live removal/gathering efforts. Additionally, due to the stress of capture efforts or injury during capture efforts, a percentage (approximately 50%) of captured cattle have had to be euthanized before they could be herded or led out of the wilderness. Despite numerous efforts over the past 26 years, a large population of unauthorized cattle remains in the Gila Wilderness. The Forest currently estimates that 50 to 150 unauthorized cattle remain in the area shown on the attached map. Because both cows and bulls exist within the population, the herd is capable of reproducing.

The presence of unauthorized cattle within the Gila Wilderness has resulted in resource damage, especially to riparian areas where cattle congregate during warmer, drier months. In recent years,



Forest staff have documented occurrences of over-grazing and stream bank trampling (and subsequent erosion). The unauthorized cattle have negatively impacted fish and wildlife habitats including habitats for several federally threatened and endangered species. As such, there is a need to remove this population of cattle to:

1. Protect the habitat of aquatic and terrestrial wildlife, especially within riparian areas where resource degradation is occurring, to comply with the Endangered Species Act and the 1986 Forest Plan standards related to threatened and endangered wildlife habitat;
2. Protect stream banks and spring areas from further trampling, erosion and sedimentation to comply with the Clean Water Act and the 1986 Forest Plan standards related to riparian areas; and
3. Restore the wilderness character of the Gila Wilderness by removing non-native species and alleviating the damage caused by over-grazing to comply with the Wilderness Act and the 1986 Forest Plan management direction related to the wilderness.

The proposed action is to use a combination of lethal and non-lethal methods to remove the remaining population of unbranded and unauthorized cattle from the Gila Wilderness. The Forest would work with a private contractor to gather cattle, primarily along the mainstem Gila River, and herd those cattle to a corral located outside of the wilderness. From that location, the cattle would be inspected by a livestock brand inspector and delivered to the livestock auction in Belen, New Mexico. Based on experience, it should be noted that during attempts to remove cattle alive, a number of cattle often need to be humanely euthanized before removal due to stress and injury sustained during gathering efforts. Cattle are herded using helicopter and riders on horseback with dogs. Some aggressive animals may be partially sedated. During lethal removal efforts, the Forest would work with USDA APHIS to conduct aerial shooting of cattle from a helicopter and shooting from the ground, very similar to operations conducted earlier in 2022.

Before any live gather or lethal removal operations, several measures would be implemented to address public safety and other considerations. No grazing is authorized within the area identified for the proposed action. A public notice would be posted in accordance with Forest Service regulations (36 C.F.R. § 262.10) alerting the public that unauthorized livestock will be removed and requesting that anyone that may own livestock that have wandered into the area collect their livestock and remove them from the Forest. An area closure order would also be issued to prohibit the public from entering the area immediately before and during all lethal removal efforts remaining in effect until all aerial shooting efforts were complete. Additionally, aerial shooting would take place in winter, a time of year of relatively low visitor activity within the Gila Wilderness. We expect aerial removal efforts to take place over two 7-day periods, likely in February 2023. A follow-up effort may be needed at a later time. All lethally removed or euthanized cattle would be left onsite to naturally decompose. Cattle would not be intentionally shot within or adjacent to any waterbody or spring, designated hiking trail, or known culturally sensitive area. If a carcass is identified as being within or adjacent to one of these areas, Forest staff would remove the carcass. A wilderness minimum requirements decision guide would be completed and approved before using any methods otherwise prohibited under the 1964 Wilderness Act.

We would appreciate your comments and ideas on this proposal. If you have ideas that you believe should be considered in helping us develop a final proposal that meets the need described above, please respond with written comments. The information you provide during this scoping period will also help determine extraordinary circumstances that would preclude categorically excluding the project from documentation in an environmental assessment or environmental impact statement.

Please address your written comments to:

Gila National Forest
Attn: Planning Program
3005 E. Camino del Bosque
Silver City, NM 88061

Comments should include: 1) name, address, phone number, and organization represented, if any; 2) title of the project "Gila Wilderness Feral Cattle Removal" on which the comment is being submitted; and 3) specific facts and supporting information for the responsible official to consider.

Comments may also be hand-delivered on weekdays 8:00 am – 4:30 pm at the above stated address.

Electronic comments must be submitted to the following email address: comments-southwestern-gila@usda.gov

Commenter names, addresses, and email addresses will become part of the public record. Comments must be received or postmarked by January 9, 2023. For additional information, contact Jeff Shearer (jeffrey.shearer@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "H. Provencio", with a stylized flourish at the end.

HENRY PROVENCIO
Wilderness District Ranger

